

REMARKS

This Amendment is responsive to the Final Action dated September 13, 2004. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-40 were pending in the application. In the Final Action, claims 1-40 were rejected. In this Amendment, claims 1, 8, 16, 21, 28 and 36 have been amended. Claims 1-40 thus remain for consideration

Applicants submit that claims 1-40 are now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-5 16, 18-25, 36 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan (U.S. Patent No. 5,315,448), hereinafter "Ryan A," in view of Thompson et al. (U.S. Patent No. 4,716,588).

Claims 4, 5, 24 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan A in view of Thompson as applied to claims 1, 16, 21 and 36, and further in view of Quan et al. (U.S. Patent No. 5,157,510).

Claims 6, 7, 26 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan A in view of Thompson as applied to claims 1-3, 16, 21-23 and 36, and further in view of Buynak et al. (U.S. Patent No. 5,394,470).

Claims 8, 11, 28 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan A in view of Thompson as applied to claims 1, 16, 21 and 36, and further in view of Ryan (U.S. Patent No. 4,631,603), hereafter “Ryan B.”

Claims 9, 10, 12, 29, 30 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan A in view of Thompson and Ryan B as applied to claims 8 and 28, and further in view of Ryan (U.S. Patent No. 4,907,093), hereafter “Ryan C.”

Claims 13-15 and 33-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan A in view of Thompson and Ryan B as applied to claims 8 and 28, and further in view of Kori (U.S. Patent No. 5,883,959).

Claims 17 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ryan A in view of Thompson as applied to claims 16 and 36, and further in view of Kori.

Applicants respectfully submit that the independent claims (claims 1, 8, 16, 21, 28 and 36) are patentable over Ryan A, Thompson Quan, Buynak, Ryan B, Ryan C and Kori.

Applicants’ invention as recited in the independent claims is directed toward a method and apparatus for providing copy protection of a video signal. Each of the claims recites “receiving via satellite a video signal with appended copy management information.” Each of the claims further recites that “said copy management information includes an indicator of whether copying of only digital data is inhibited or copying of both digital data and analog data is inhibited.” Supporting disclosure for the Applicants’ recited copy management information can be found in the specification at, for example, page 15, lines 7-18.

None of the cited references discloses receiving via satellite a video signal with appended copy management information wherein the copy management information includes an indicator of whether copying of only digital data is inhibited or copying of both digital data and analog data is inhibited. Accordingly, Applicants believe that claims 1, 8, 16, 21, 28 and 36 are patentable over the cited references – taken either alone or in combination – on at least this basis.

Claims 2-7 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-7 are believed to be patentable over the cited references based at least on their dependency on claim 1.

Claims 9-15 depend on claim 8. Since claim 8 is believed to be patentable over the cited references, claims 9-15 are believed to be patentable over the cited references based at least on their dependency on claim 8.

Claims 17-20 depend on claim 16. Since claim 16 is believed to be patentable over the cited references, claims 17-20 are believed to be patentable over the cited references based at least on their dependency on claim 16.

Claims 22-27 depend on claim 21. Since claim 21 is believed to be patentable over the cited references, claims 22-27 are believed to be patentable over the cited references based at least on their dependency on claim 21.

Claims 29-35 depend on claim 28. Since claim 28 is believed to be patentable over the cited references, claims 29-35 are believed to be patentable over the cited references based at least on their dependency on claim 28.

Claims 37-40 depend on claim 36. Since claim 36 is believed to be patentable over the cited references, claims 37-40 are believed to be patentable over the cited references based at least on their dependency on claim 36.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

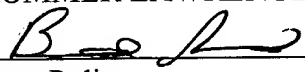
If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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